

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

NORTH CENTRAL STATES REGIONAL COUNCIL
OF CARPENTERS' PENSION FUND f/k/a
WISCONSIN CARPENTERS PENSION FUND, et al.,

ORDER

Plaintiffs,

10-cv-263-wmc

v.

JOKIPII DEMOLITION, LLC and
LJ EXCAVATION, LLC,

Defendants.

On June 8, 2011 this court held a telephonic hearing on plaintiffs' motion to compel discovery, dkt. 20. Both sides were represented by counsel.

At the hearing, defendants' attorney reiterated what he had reported in his written response (dkt. 24): he has lost contact with the defendants, who no longer will communicate with him. Therefore, counsel is unable to respond to plaintiffs' discovery requests or their motion to compel. (Defendant's attorney further reported that as a result of this, he will be moving to withdraw from this case.) Plaintiffs are entitled to the discovery they have requested but not received. It is relevant information necessary to the accurate resolution of the parties' dispute.

Therefore IT IS ORDERED that plaintiffs' motion to compel discovery is GRANTED. Defendants shall have one week, until June 15, 2011, within which to provide all requested discovery with no objections and with nothing withheld except pursuant to a bona fide claim of privilege. Failure to comply with this order shall lead to sanctions pursuant to Rule 37(b), which could include default judgment. It is up to plaintiffs to seek further court action on this issue if necessary. Plaintiffs' request for cost-shifting is stayed pending final resolution of this matter.

Entered this 8th day of June, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge